

**# 630 - BUSINESS MEETING OF THE STATE BOARD OF EXAMINERS
OF MASTER PLUMBERS -MINUTES - JANUARY 28, 2016**

The minutes of the January 28, 2016 Board Meeting have not been formally approved and are subject to change or modification by the Public Body at its regular meeting on February 25, 2016.

The notice of the January 28, 2016 meeting has been mailed to the Star Ledger, Camden Courier Post, and Trenton Times newspapers, and has also been posted on the Bulletin Board at the Office of the Secretary of State, Trenton, New Jersey.

The Board meeting of January 28, 2016 was called to order at 9:00 am with the following Members in attendance:

Peter Voros, Chairman

Michael K. Maloney, Vice-Chairman

Michael L. Sestanovich, Secretary

James McManus, Jr.

Robert B. Reeve

Adam J. Sabath

Paul N. Bontempo, absent

Donald Dileo

Thomas C. Pitcherello, State Government Representative

Others in attendance:

The following individuals were in attendance from 9:00 a.m. until closing at 3:00 pm:

Joseph A. Donofrio, Counseling Deputy Attorney General (DAG)

Rosemarie Baccile, Acting Executive Director

Jamie Hall, Agency Services Representative, joined Team 6 and was welcomed at this meeting

Public visitors: Thomas F. Walsh, Licensed Master Plumber and Subcode Official

Page 2 1-28-2016 Mtg.

Pledge of Allegiance to the Flag

Chairman Peter Voros led the Board in the Pledge of Allegiance to the Flag and requested that Members join in a moment of silence in recognition of U.S. troops serving our Country.

APPROVAL OF THE MINUTES of the DECEMBER 17, 2015 MEETING

Postponed until the February 25, 2016 meeting.

BOARD BUSINESS

PRESENT BOARD MEMBERS - &- CAPACITIES

MAYOR PETER I. VOROS ~ MASTER PLUMBER MEMBER ~ CHAIRMAN

MICHAEL K. MALONEY ~ MASTER PLUMBER MEMBER - VICE CHAIRMAN

MICHAEL L. SESTANOVICH ~ INSPECTOR MEMBER - SECRETARY

ROBERT B. REEVE, LICENSED MASTER PLUMBER # 7388

JAMES MC MANUS, JR., JOURNEYMAN MEMBER

DONALD B. DILEO ~ PUBLIC MEMBER

PAUL N. BONTEMPO - PUBLIC MEMBER

ADAM J. SABATH ~ PUBLIC MEMBER

THOMAS C. PITCHERELLO, STATE GOVERNMENT REPRESENTATIVE

The Nine (9) Board Member complement is complete with the appointment of Thomas C. Pitcherello on August 26, 2015.

It is noted that applications for the Master Plumber's examination, Master Plumber's business registration forms, and Bona fide Representative registrations are reviewed by Board Members during the course of each business meeting.

Applications for Medical Gas Piping installers, brazers and instructors are also reviewed at this time.

Page 3 1-28-2016 Mtg.

1.) IN THE MATTER OF THE
LICENSE OF

VINCENT J. DABUNDO
License #36BI00430300

TO PRACTICE AS A MASTER
PLUMBER IN THE STATE
OF NEW JERSEY

Administrative Action

PROVISIONAL ORDER
OF DISCIPLINE

Filed 12-13-2013

The Board received a complaint from consumer "S.B." dated December 15, 2011. The complaint pertained to plumbing work respondent was contracted to perform on or about May 17, 2007. S.B. alleges he and respondent entered into a contract for the completion of plumbing work and heating on S.B.'s property. Respondent quoted a price of \$26,000.00, \$15,000.00 of which was to be a down payment, with \$6,000.00 to be paid after inspection

and \$5,000.00 to be paid upon completion. The job was scheduled to be completed within sixty (60) days. A permit was obtained to begin the work.

According to S.B., respondent received payment in the amount of \$15,500.00, but never returned to perform any of the work. S.B. alleges he contacted respondent to inquire when the work would be completed and respondent stated that the contract was good for four (4) years.

On or about October 30, 2010, S.B. and respondent entered into an amended agreement. The amended agreement stated the project would be completed in thirty (30) days. If the project was not completed within that scheduled period, S.B. would be entitled to damages.

S.B., through his attorney, Edward Thompson, Esq., sent respondent a letter dated August 25, 2011. The letter stated that despite receiving payment from S.B., the project has not been completed and respondent is therefore in default of the contract and addendum. The letter gave respondent further opportunity to complete the project by September 9, 2011, otherwise S.B. would take legal action.

The Board sent a letter to respondent, dated January 3, 2012, requesting he provide a response to S.B.'s complaint. Respondent provided the requested response in a letter to the Board dated January 24, 2012. Respondent stated the project with S.B. had been on going for four and a half (4.5) years because three (3) years had passed between the time the proposal was presented and the time the contracts were signed and the permits were issued. Respondent stated the project could have been finished in four (4) weeks. Respondent also stated that the permit had been taken out by S.B. and there was a dispute over stolen materials which resulted in S.B. breaking the contract.

Continued

Page 4

1-28-2016 Mtg.

Continued

Administrative Action

VINCENT J. DABUNDO
LICENSE #36BI00430300

PROVISIONAL ORDER
OF DISCIPLINE

TO PRACTICE AS A MASTER
PLUMBER IN THE STATE
OF NEW JERSEY

FILE 12-13-2013

S.B. filed a complaint against respondent in the Superior Court of New Jersey, Special Civil Part, under docket number ATL-DC-010462-11. S.B. obtained a judgment in the amount of \$12,341.00 against respondent for breach of contract and failure to pull permits after a trial on April 17, 2012.

Respondent has failed to satisfy the judgment and has verbally informed the Board that he has no intention of paying the judgment that was entered against him.

1. Respondent was provisionally reprimanded, pursuant to N.J.S.A. 45:1-22, for the violations of N.J.S.A. 45:1-21(e)
2. Respondent's license to practice plumbing in the State of New Jersey was provisionally suspended for violating N.J.S.A. 45:1-21(e), by not paying the valid \$12,341.00 judgment obtained against respondent by consumer S.B. Prior to the Board granting any request by respondent for reinstatement of his plumbing license, respondent shall be required to appear before the Board and provide documentation, demonstrating to the Board's satisfaction, that he has satisfied the judgment obtained against him by consumer S.B.
3. Respondent shall provisionally pay a civil penalty in the amount of two thousand five hundred dollars (\$2,500.00), pursuant to N.J.S.A. 45:1-22, in that respondent engaged in

professional misconduct, in violation of N.J.S.A. 45:1-21(e), by failing to complete the work he was contractually obligated to perform for consumer.

UPDATE:

Correspondence dated June 4, 2014 was submitted to the Board from consumer S.B.'s attorney indicating that the judgement was paid in full and there is no longer any claim against Mr. Dabundo.

CONCLUSION:

On January 28, 2016, the Board discussed this matter and considered that the judgement has been paid in full. Members concluded that the licensee has fulfilled his duty to the consumer.

A motion was made by Adam J. Sabath and seconded by James McManus, Jr. to conclude this matter by issuing a Final Order of Discipline with a reprimand and a \$500 penalty with a stayed penalty of \$2,000. The suspension of Vincent J. Dabundo's license included in the provisional order has now been waived in light of his full payment of the judgement to the consumer. A vote was taken and the motion unanimously passed.

Page 5

1-28-2016 Mtg.

- 2.) DIVISION OF CRIMINAL JUSTICE LETTER DATED: NOVEMBER 6, 2015
FROM: ROBERT E. MCGRATH, LIEUTENANT RECORDS AND IDENTIFICATION
RONALD R. TILLET, III - GRANDSON AND SON OF LICENSED MASTER PLUMBER AND LICENSED MASTER HVACR

Board Member James McManus abstained from this vote.

On January 28, 2016, the Board discussed the documents received from the Division of Criminal Justice, and concluded in a motion made by Robert Reeve and seconded by Michael Sestanovich, that a letter of information be forwarded to the licensee to advise him of this conviction.
A vote was taken and the motion passed.

- 3.) UNIFORM PENALTY LETTER DATED: NOVEMBER 23, 2015
\$2,500 PENALTY FOR UNLICENSED PRACTICE PAID: DECEMBER 14, 2015

GEORGE WISE, UNLICENSED, T/A GEORGE'S MECHANICAL, UNLICENSED
MARY D. BOHEN, CONSUMER, FILE ID: #107212

On January 28, 2016, the Board discussed this matter and agreed in a motion made by Donald Dileo and seconded by Michael Maloney to accept the penalty payment and close this file.
A vote was taken and the motion unanimously passed.

- 4.) RENEWAL OF LICENSE; LICENSE REACTIVATION; LICENSE REINSTATEMENT; RENEWAL OF CERTIFICATES; CERTIFICATE REACTIVATION; CERTIFICATE REINSTATEMENT

PROPOSED AMENDMENTS: N.J.A.C. 13:32-2.6 AND 7.7
PROPOSED NEW RULES: N.J.A.C. 13:32-2.6A, 2.6B, 7.8, AND 7.9

A copy was provided to the Board in advance of the rule being published in the New Jersey Register.

◆ It is noted that applications for the Master Plumber's examination, Master Plumber's business registration forms, and Bona fide Representative registrations are reviewed by Board Members during the course of each

business meeting.

Applications for Medical Gas Piping installers, brazers and instructors are also reviewed at this time.

Page 6

1-28-2016 Mtg.

EXECUTIVE CLOSED SESSION MOTION:

A motion was made by Donald Dileo and seconded by Robert Reeve to proceed into Executive Closed Session to review consumer complaint matters, conduct investigative inquiries, discuss unlicensed advertisements, unlicensed practice matters, consider administrative closings, investigations of possible violations of applicable law, pending or anticipated litigation, matters under investigation, the DAG caseload, and review matters within the attorney-client relationship exception to the Open Public Meetings Act. A vote was taken and the motion unanimously passed.

The subject of this discussion shall remain confidential until such time as the reasons for having this matter in Executive Closed Session are no longer applicable. The next meeting is scheduled for February 25, 2016.

A vote was taken and the motion unanimously passed.

Submitted by,

Rosemarie S. Baccile, Acting Executive Director